

Information about Victims Rights

Victims of Domestic Abuse

Military dependants that are victims of domestic abuse may wonder what will happen to their life if the military spouse or parent gets court-martialed or discharged from the Army. Many military dependents believe that if the Soldier gets court-martialed or discharged, they will lose all the benefits they receive as a military dependent. In many cases, this may not be true.

Victims Rights

Here are some rights which victims have as provided by Army Regulation 27-10, Chapter 18.

1. The right to be treated with fairness, dignity, and a respect for privacy: This one may seem simple, but it may be overlooked when trying to assist victims. When we fail to treat victims with fairness, dignity, and a respect for privacy, we victimize them all over again.
2. The right to reasonable protection from the accused offender: This is most often accomplished through no contact orders. Victims should be told of the order and given a way to contact the command if the Soldier violates the order. If a no contact order is violated, commanders should contact their trial counsel and discuss more effective means of restraint. Another way victims can be protected from the accused is by keeping all contact information confidential, if the victim decides to move or change their phone number.
3. The right to be notified of proceedings: This right starts at the investigative stage and does not end until after incarceration upon conviction. Victims have the right to be notified of the status of the investigation. They have the right to be notified of and present for all scheduled court proceedings, and to confer with the trial counsel in the case. Victims also have the right to assistance in submitting a victim impact statement to the Army Clemency and Parole Board.
4. The right to information regarding conviction, sentencing, imprisonment, and release of the offender from custody: Victims have the right to be informed regarding conviction, sentence, or release of Soldiers from confinement facilities. If you were a violent crime victim you may want to be notified of the outcome of the trial, how long the person should be behind bars, and especially, when the person is released.
5. The right to restitution, if appropriate: Sometimes, a victim only has to contend with physical abuse, but theft or damage to personal property. Although restitution cannot be required through a court-martial proceeding, it can be made a condition of a pre-trial agreement. Victims should be informed of this so they may consult with a trial counsel before any pre-trial agreement. Also, sometimes a victim can recover from a Soldier through Article 139 of the Uniform Code of Military Justice.
6. The right to transitional compensation benefits: This is probably a commander's best resource to help restore self-reliance when the Soldier is discharged because of a family

member-abuse offense. Transitional compensation provides temporary financial assistance to eligible family members while they reestablish their lives after the abusive Soldier is separated from the Army for a dependent-abuse offense. For the victim to be eligible: the Soldier must have been on active duty for more than 30 days, and must have committed at least one dependent-abuse related offense; the Soldier must have been sentenced to a total forfeiture of all pay and allowances at a court-martial, or have been separated for a dependent-abuse offense through a court-martial, or a discharge action; the victim cannot have been an active participant in the abuse.

If all these criteria are met, the dependent victim will receive between 12 and 36 months of financial compensation, commissary and PX privileges, and the same medical and dental care available to active duty dependents at Military Treatment Facilities. These benefits will end, however, if the spouse goes back to and lives with the abusive Soldier, remarries, or if the victim fails to complete the annual certification required to remain eligible for the benefits.

**Victims & witnesses should contact the victim witness liaison (VWL) at your installation legal office for information concerning rights and benefits.
For more information call 753-6245.**